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AGENDA

MEETING OF THE TOWN OF ADDISON

CHARTER REVIEW COMMISSION

6:00 P.M.

APRIL 14, 2010

ADDISON CONFERENCE AND THEATRE CENTRE

15650 ADDISON ROAD

Item #1 - PUBLIC HEARING

Members of the public who would like to speak on issues associated with Addison's City Charter may do so at this time.

Item #2 - Discussion by the Commission of the first Draft of the 2010 Charter Review Commission Report to the City Council.

Item #3 - Discussion by the Commission of Charter Section 11.04. Restriction of sale of alcoholic beverages.

Adjourn Meeting

Posted: April 6, 2010 at 5:00 P.M.
Lea Dunn - City Secretary

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS
WITH DISABILITIES. PLEASE CALL (972) 450-2819 AT LEAST
48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.**

MINUTES OF THE ADDISON CHARTER REVIEW COMMISSION

April 14, 2010
6:00 P.M. – Stone Cottage
Addison Conference and Theatre Centre
15650 Addison Road

Present: Bruce Arfsten, Kelly Blankenship, Burk Burkhalter, Linda Groce,
David Griggs, Margie Gunther, Neil Hewitt, Susan Hayes, Lance
Murray, Bill Perry, Roy Stockard

Absent: Suzie Oliver

The revised minutes of the March 10, 2010 meeting, and the March 31, 2010 minutes were approved.

Item #1 - PUBLIC HEARING

Chairman Groce opened the meeting as a public hearing. There were no questions or comments. Chairman Groce closed the meeting as a public hearing.

Item #2 – Discussion by the Commission of the first draft of the 2010 Charter Review Commission Report to the City Council.

Chairman Groce asked for volunteers to help draft the Final Report to the City Council. Neil Hewitt, Lance Murray, and Bill Perry volunteered to work with Chairman Groce on the final report.

The group discussed the draft report that the staff had prepared and made some changes to some sections that will be incorporated in the Final Report.

There was a straw vote taken on section 2.05

Two members voted to leave the section as it is currently worded in the Charter
Seven members voted to amend it as recommended by the City Attorney,
Two members voted to re-word it to provide that the Council may appoint two members to fill two vacancies which occur at the same time.

Item #3 – Discussion by the Commission of Charter Section 11.04. Restriction of sale of alcoholic beverages.

With regard to **Section 11.04. Restriction of sale of alcoholic beverages**, the group took three straw votes to determine its position:

Straw Vote #1: How many were in favor of recommending to the Council that the question regarding eliminating the restriction on the sale of beer and wine only for off-premises consumption be put on the ballot for a Charter election.

The Commission voted 11-0 in favor of recommending that the question be put on the ballot.

Straw Vote #2: How many felt it was acceptable to put the question described in Straw Vote #1 on the ballot for a Charter election if:

(1) the election resulted in the adoption of a Charter amendment that would allow the sale of beer and wine only for off-premises consumption throughout the Town, and

(2) the amendment and the existing Section 11.04 restriction, after being challenged in court, were struck down, thereby allowing the sale of all alcoholic beverages for off-premises consumption (in accordance with the current zoning ordinance) Town-wide

The Commission voted 9-2 in favor of this question.

Straw Vote #3: How many were in favor of recommending to the Council that the restriction regarding the sale of alcohol for off-premises consumption be eliminated from the Charter altogether, and the sale of beer, wine, and distilled spirits be allowed citywide, in accordance with the zoning ordinance.

The Commission voted 9-2 against this question.

The Commission agreed that it would not meet on April 21, 2010, but would meet again on April 28, 2010, and on May 5, 2010. Prior to the April 28, 2010 meeting, the committee will send a draft of the final report to all Commission members for their review and comment.

There being no further business before the Commission, the meeting was adjourned.

-----Original Message-----

From: Kelly Blankenship [mailto:kellyanneblankenship@yahoo.com]
Sent: Thursday, April 01, 2010 1:56 PM
To: Carmen Moran
Subject: Information request for next Charter Review mtg

Hi Carmen -

Thank you so much for all that you & John are doing in support of the Commission's review.

I wanted to ask if it would be possible for the next meeting to get a report from the police department listing any and all calls, arrests, offenses, reports, etc. which were generated by or at the addresses of the beer/wine/liquor stores along Inwood - maybe for the past 12 mos.

If available, I would also like to know the top 10 addresses to which the police were most frequently called for the same period of time, if possible with some information about the call classification or description/outcome (why they were called and the resolution - i.e. did the call result in an arrest and if so for what offense).

If this exact information is not available I would like any public information that is available that will get me as close to this data as possible.

Thank you,
Kelly Blankenship

Carmen Moran

From: Greg Layman
Sent: Monday, April 05, 2010 10:37 AM
To: Carmen Moran
Cc: Ron Davis
Subject: RE: Information request for next Charter Review mtg

I have reviewed the calls for the past twelve months for all establishments that sell any type alcohol in package form. In reviewing the data I have eliminated activity in the block associated with an address which were tied to that address by the simple fact that is where the officer stopped the violator. What we came up with were eighty calls for the fourteen establishments over the twelve month period that had a connection by report or arrest to some type offense at the location.

Suspicious Persons	3
Disturbance	24
Theft	26
Arrest	25
Assault	1
Criminal Mischief	1

TOP 10 OFFENSE REPORT LOCATIONS

LOCATION	TOTAL	DESCRIPTION
5100 BELT LINE RD	294	Village on the Parkway (Sherlocks, TGI Fridays, Blue Mesa, Glorias)
4440 BELT LINE RD	109	Black Finn Restaurant
15130 MARSH LN	67	Suites of America
5000 BELT LINE RD	67	Addison Walk (Memphis)
5080 SPECTRUM DR	62	Spectrum Center (Chaucers Restaurant)
5290 BELT LINE RD	56	Prestonwood Junction (Logans, Café Gecko, Vernons)
4500 SOJOURN DR	41	Bent Tree Park Apartments
4820 WESTGROVE DR	40	Bent Tree Brooks Apartments
4180 BELT LINE RD	36	Dukes Restaurant
4015 BROOKHAVEN CLUB DR	35	Clipper Point Apartments

TOP 10 ARREST LOCATIONS

LOCATION	TOTAL	DESCRIPTION
5100 BELT LINE RD	205	Village on the Parkway (Sherlocks, TGI Fridays, Blue Mesa, Glorias)
4440 BELT LINE RD	96	Black Finn Restaurant
15130 MARSH LN	49	Suites of America
5290 BELT LINE RD	48	Prestonwood Junction (Logans, Café Gecko, Vernons)
5080 SPECTRUM DR	45	Spectrum Center (Chaucers Restaurant)
5000 BELT LINE RD	39	Addison Walk
4180 BELT LINE RD	30	Dukes Restaurant
4325 BELT LINE RD	23	Motel Six
15196 MARSH LN	20	Race Track
4820 WESTGROVE DR	17	Bent Tree Brooks Apartments

Carmen Moran

From: Lance & Judith Murray [jlwmurray@yahoo.com]
Sent: Sunday, April 04, 2010 5:51 PM
To: Carmen Moran
Cc: John Hill
Subject: Proposed changes to Article XI wording

Carmen...

At the last Charter Review Commission meeting on March 31, Linda Groce requested that we forward any suggested changes to the Article 11 wording tabled by John Hill...I would like to propose two changes as follows:

Section 11.02> add the following phrase to the last sentence..."including Chapter 171 dealing with conflict of interest and guidelines for abstaining."

Section 11.04> delete the return to status quo wording in John's proposed change...instead the last clause should read "except that subject to the zoning ordinances and regulations of the City, the sale of beer and wine for off-premises consumption is permitted on a city wide basis."

...Regards...Lance Murray

FIRST DRAFT

Charter Commission Report to Council 2010

Proposed Revisions

Section 2.01. Number.

The legislative and governing body of the Town shall be a City Council which shall be composed of a mayor and six (6) council members. When used in this Charter, the term "Council" shall mean the City Council, and the phrase "member of the Council" and the phrase "member of the City Council" shall mean and include the Mayor or any council member. (Ord. No. 088-032, § 1, Prop. 2, 7-12-1988, election 8-13-1988; Ord. No. 092-073, 11-24-1992, election 1-16-1993)

Section 2.02. Qualifications.

The members of the City Council shall be qualified voters of the Town of Addison who have been residents of the Town for at least twelve months~~one-year~~ immediately preceding election day and who shall never have been finally convicted of a felony offense or any offense involving moral turpitude from which the person has not been pardoned or otherwise released from the resulting disabilities.

[NOTE: the word "finally" and the last portion is taken from Section 141.001(a)(4), Election Code, which is the section that establishes eligibility requirements for public office; that subsection states that one of the requirements to be an eligible candidate is that the person not "have been finally convicted of a felony for which the person has not been pardoned or otherwise released from the resulting disabilities"; Section 1451.001(a) doesn't have as a condition that a person not be convicted of an offense involving moral turpitude, but the language from the statute is tacked on at the end of this Section 2.02, applying to both the felony offense and an offense involving moral turpitude]

(Ord. No. 088-032, § 1, Prop. 2, 7-12-1988, election 8-13-1988)

Section 2.03. Removal from office; Council to be judge of qualifications of its members.

A member of the Council may be removed from office, in accordance with the procedures set forth in this Charter, if he:

- (1) Lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by law;

- (2) Commits any act of official misconduct including but not limited to:
 - a. willfully violating any express prohibition of this Charter,
 - b. failing to discharge the member's official duties as set out in this Charter, or
 - c. committing acts in the member's official capacity which the member had no authority to commit;
- (3) Is incompetent;
- (4) Is convicted of a felony offense or any offense involving moral turpitude;
- (5) Fails to attend four (4) consecutive regular meetings of the Council without first being excused by the Council.

The Council shall be the judge of the election and qualifications of its members. If a member of the Council is charged with a ground for removal, a hearing shall be set not less than ten (10) days nor more than thirty (30) days from the date on which the written charges are presented. At such hearing, the accused shall have the right to present evidence in his defense, but he shall be disqualified from voting as to his or her innocence or guilt. At the conclusion of the evidence, a vote shall be taken, and upon the affirmative vote of a majority of the members of the Council plus one additional affirmative vote, the accused member shall be removed from office and his seat declared vacant. The Council shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in the exercise of such power shall be subject to review by the courts.

(Ord. No. 092-073, 11-24-1992, election 1-16-1993)

Section 2.05. Vacancies in Council.

A single vacancy in the office of Council member shall be filled by a majority vote of the remaining members of the Council within thirty (30) days of the vacancy, or as soon thereafter as practicable, at a meeting subsequent to the date on which the vacancy occurs. The person selected shall not be one of the remaining members of the Council and once chosen, he shall serve until the next general town election shall be held to fill the unexpired term or regular term, as the case may be. Provided, however, that if a vacancy occurs when the unexpired term of the vacated office shall exceed one (1) year, and if such time allows sufficient time for an election to be ordered to fill the vacancy at the same time as the next within forty-five (45) days prior to a general Town election, and so does not allow time for candidates to file for such a vacated Council position, the appointment to fill such a vacancy shall be made within thirty (30) days after the election, or as soon thereafter as practicable, and not before the election. When two (2) or more vacancies exist when there is not sufficient time under Texas law to order and hold a special election to fill such vacancies, a special election shall be ordered and held in accordance with Texas law to elect successors to fill the vacated unexpired terms as soon as possible after such vacancies exist, provided that if such vacancies occur within ninety (90) days prior to a regular Town election, then such successors

~~shall be elected at such regular Town election. When two (2) or more vacancies occur within forty five (45) days prior to such regular Town election and there is insufficient time for candidates to file for the vacated Council positions, a special election shall be held as soon as possible after the regular general Town election.~~

(Ord. No. 088-032, § 1, Prop. 2, 7-12-1988, election 8-13-1988)

Section 2.06. Mayor.

The Mayor shall preside at meetings of the Council, shall be recognized as head of the Town government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. The Mayor may participate in the discussion of and shall be entitled to vote on all matters coming before the Council. A vacancy in the office of Mayor shall be filled by the Council members in the same manner as provided in Section 2.05 except that one of the remaining Council members may be selected as Mayor.

Section 2.08. Powers of the City Council.

All powers of the Town and the determination of all matters of policy shall be vested in the City Council. Without limitation of the foregoing and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- a. Appoint and remove the City Manager as hereinafter provided;
- b. Reserved;
- c. Adopt the budget of the Town;
- d. Authorize the issuance and sale of bonds, by a Bond Ordinance;
- e. Collectively inquire into the conduct of any office, department or agency of the Town and make investigations as to Municipal affairs;
- f. Appoint the members of the Planning and Zoning Commission;
- g. Provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by Town Ordinance or by law;
- h. Adopt and modify the zoning plan and the building code of the Town;
- i. Adopt and modify the official map of the Town;
- j. Adopt, modify and carry out plans proposed by the Planning and Zoning Commission for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole or in part by disaster;
- k. Adopt, modify and carry out plans proposed by the Planning and Zoning Commission for the clearance of slum districts and rehabilitation of blighted areas;
- l. Regulate the speed of engines, locomotives or other power-driven equipment operating upon tracks, rail, or defined routes, either at ground level, overhead or underground within the limits of the Town, and to regulate the

operation of the same so as to prohibit the blocking of intersections, streets, alleys, avenues or impeding the free flow of vehicular traffic or pedestrians;

m. Regulate, license and fix the charges or fares by any person, firm or corporation owning, operating or controlling any vehicle ~~or [of of]~~ any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the Town;

n. Provide for the establishment of districts and limits, except as otherwise provided hereinafter; within the Town, where the sale of spirituous, vinous and malt liquors may be located and maintained; and to prohibit the sale of such liquors or the locations of such businesses without such defined districts or limits;

o. Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of their removal or destruction within said limits;

p. Provide for a sanitary sewer and water system, and require property owners to connect their premises with sewer system, and provide for penalties for failure to make sanitary sewer connections;

q. Provide for sanitary garbage disposal, and set fees and charges therefor, and provide penalties [for failure] to pay such fees and charges. To define nuisances; and, to prohibit same; and provide penalties for violations;

r. Provide for all necessary public utilities and set fees and charges therefore [therefor] and provide penalties for misuses of same;

s. Exercise exclusive dominion, control and jurisdiction, (including the right to close and abandon streets and alleys), in and upon, over and under, the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the Town; and, provide for the improvement of same, as provided in V.T.C.A., Transportation Code ch. 313, as now, or hereafter amended;

t. Compromise and settle any and all claims, demands, and lawsuits, of every kind and character, in favor of, or against, the Town of Addison;

u. To require bonds, both special and general, ~~f~~or all contractors and others constructing or building for the Town, and set up standards, rules, and regulations therefor;

v. To pass Ordinances defining and prohibiting misdemeanors and vagrancy; and, provide penalties for violations;

w. To provide and/or arrange for any and all "Civil Defense Measures," and "Public Shelter Measures" for the Town of Addison, Texas, and for the citizens thereof, deemed necessary for the Public Welfare;

x. To exercise, or delegate to the Mayor, extraordinary and total Executive powers, (on a temporary basis), during the existence and duration of any major public disaster, for the Public Welfare;

y. Appoint Judge of Municipal Court;

- z. Provide for an independent audit.

Section 2.09. Interference in administrative matters.

Except as herein provided in this Charter, the Council ~~and its members~~ shall deal with the administrative departments and personnel solely through the City Manager, and ~~no member of neither the Mayor, the Council, nor any member thereof~~ shall give directives to any subordinate of the City Manager, either publicly or privately. Neither the Council nor any ~~member of the Council, nor any of its committees of the Council or members~~ shall require or attempt to require the appointment of any person to, or his removal from, office or employment by the City Manager or any of his subordinates, or in any manner interfere in the appointment of officers and employees in the department of administrative service vested in the Manager by this Charter.

(Ord. No. 088-032, § 1, Prop. 1, 7-12-1988, election 8-13-1988)

Section 2.10. Meetings of the City Council.

~~In at least 11 months of the year.~~ The City Council shall hold at least one or more regular meeting in each month at a time to be fixed by it for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the Town and its citizens. Except as allowed by state law, all meetings of the City Council shall be open to the public and shall be held and notice given in accordance with applicable provisions of State law. Meetings shall be held at the Town Hall, except that the City Council may designate another place for such meetings and shall take such action as is reasonable and necessary to accommodate the public. Special meetings of the Council may be called by the Mayor or four (4) Council members giving written notice of such meetings to the City Secretary, who shall notify each member of the Council and the City Manager of the time and place of each meeting and the purpose for which it was called.

(Ord. No. 088-032, § 1, Prop. 2, 7-12-1988, election 8-13-1988; Ord. No. 092-073, 11-24-1992, election 1-16-1993)

State law reference-Open meetings and notices thereof, V.T.C.A., Government Code ch. 551.

Section 2.17. Induction of Council into office.

The first meeting of each newly elected Council, for induction into office, shall be the next regular meeting following its election. At such meeting, the first order of business shall be the canvassing of returns, declaring the results and the swearing in of such newly elected ~~Council~~ members of the Council.

Section 4.06. City Secretary.

The City Council shall appoint an officer of the Town, who shall have the title of City Secretary. The City Secretary shall give notice of the Council meetings, shall keep minutes of its

proceedings, shall authenticate by his ~~or her~~ signature and record in full in a book kept for the purposes of all Ordinances and Resolution and shall perform such other duties as shall be required by this Charter or by the City Manager. He ~~or she~~ may be removed from office by the City Council. To perform the City Secretary's duties during his ~~or her~~ temporary absence and disability, the City Manager may appoint an assistant City Secretary until he ~~or she~~ shall return or ~~their~~ his disability shall cease.

(Ord. No. 084-043, § 1, Prop. 2, 6-26-1984, election 8-11-1984)

Section 5.09. Certification; copies made available.

A copy of the budget, as finally adopted, shall be filed with the City Secretary, Dallas County Clerk, and the State Comptroller of Public Accounts at Austin. The final budget shall be printed, ~~mimeographed~~ or otherwise reproduced and sufficient copies shall be made available for the use of all offices, agencies and for the use of interested persons and civic organizations.

Section 5.16. Where payable; no demand necessary.

All taxes shall be payable at the office of the Collector and Assessor of taxes in the Town of Addison ~~at the Finance building~~ or at such other places ~~in the Town of Addison~~ as may be specifically designated by the Council.

No demand for such taxes shall be necessary, but it is the duty of the taxpayer to make such payment of such taxes in ~~cash~~ United States currency, or by such other method as approved by the City Council, within the time specified.

(Ord. No. 088-032, § 1, Prop. 5, 7-12-1988, election 8-13-1988)

Section 5.27. Payment, delinquency, penalties.

The taxes herein and hereby authorized to be levied shall become due and payable October 1 of the year assessed, and the same shall be payable in ~~cash~~ United States currency, or by such other method as approved by the City Council, at the office of the Assessor and Collector of taxes or at such other places as may be specifically designated by the Council. Taxes shall be deemed and become delinquent if not paid prior to February 1, the year following assessment, and such delinquent taxes shall be subject to a penalty and shall bear interest at the rates prescribed by Ordinance of the City Council. In addition to such penalties and interest, a delinquent taxpayer shall be subject to the payment of all costs and expenses that may be incurred in the collection of such taxes through any method provided by this Charter and/or the laws of the State of Texas, and such penalties and interest shall be collected in the same manner as other taxes. The Council may by Ordinance provide that all taxes, either current or delinquent, due to the Town of Addison may be paid in installments except that such installments shall not exceed, one year.

Section 5.28. Tax levy and lien.

A lien is hereby created on all property, personal and real, in favor of the Town of Addison, for all taxes, ad valorem, occupation or otherwise. Said lien shall exist from the first day of January ~~first~~ in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever

defeat such lien, but the Assessor and Collector of taxes can pursue such property, and whenever found out, may seize and sell enough thereof to satisfy such taxes.

Section 6.02. Franchises; power of the City Council.

The City Council shall have power by Ordinance to grant, amend, renew and extend, all franchises of all public utilities of every character operating within the Town of Addison. A summary of ~~At all~~ Ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at two (2) separate regular meetings of the City Council, and any such Ordinance shall not be finally passed until thirty (30) days after the first reading; and no such Ordinance shall take effect until thirty (30) days after its final passage; and pending such time, ~~the full text a summary~~ of such Ordinance shall be published once a week for four (4) consecutive weeks in the official newspaper of the Town of Addison, and the expense of such publication shall be borne by the proponent of the franchise, and shall be posted for a period of four (4) consecutive weeks at the regular place of posting of City Council meeting agendas. No public utility franchise shall be granted for a term of more than twenty (20) years; nor shall same be transferable, except with the approval of the City Council, expressed by Ordinance.

Section 6.05. Grant not to be ~~in~~exclusive.

No grant, contract, or franchise, to construct, maintain, or operate a public utility, for or in Addison, Texas, and no renewal or extension of such grant, contract, or franchise, shall be exclusive.

Section 7.02. Development of property.

The City Council may encourage~~shall cooperate in every manner possible with persons interested in the development of property, promote economic development, and stimulate business and commercial activity, within, or beyond, the Town limits, in accordance with Texas law.~~ ~~No expenditure of public funds, however, shall be authorized for the development of privately owned subdivisions, situated within or beyond the corporate limits of the Town; except, (where feasible for the Town) for the extension of utilities or services to such areas.~~

Section 8.03. Nominations.

Any person having the qualifications required by this Charter and State law may place his own name in nomination as candidate for Mayor or Councilman by filing with the City Secretary, or may be placed in nomination by a petition signed by at least ten (10), or not more than fifteen (15) qualified voters, who shall be designated as his sponsors. No voter shall sign more than one petition and should a voter do so, his signature shall be void except as to the petition first filed. With each signature shall be stated the place of residence of the signer, giving the street, number or other description sufficient to identify it.

Persons who desire to be candidates, or petitioners placing a name in nomination, must file with the City Secretary not earlier than ninety (90) days nor later than thirty (30) days before the election.

Acknowledgment of nomination by each nominee will be in writing and will be accepted by the City Secretary or other persons authorized to administer oaths under the laws of the State of Texas.

Any person who has placed his own name in nomination or has been placed in nomination by petition shall take the following oath:

"I do hereby declare that I accept the nomination for the Council and agree to serve if elected. I am _____ years of age, a qualified voter of the Town of Addison, a resident of the State of Texas for at least one year and of the Town of Addison or an area now within the corporate limits of the Town of Addison for at least one year. I am not in arrears in the payment of any taxes or other liability due the Town. At the present time, I reside at _____ Street in the Town of Addison."

Signature of candidate _____

Date and hour of filing _____

Received by: _____

(Signature of City Secretary)

The petition placing a person in nomination shall be in the following form:

"We, the undersigned voters of the Town of Addison, hereby nominate and sponsor _____, whose residence is _____, for the office of _____, to be voted for at the election to be held on the _____ day of _____, 2019, and we individually certify that we are qualified to vote for a candidate for Mayor or Councilman and that during the current election we have not signed any other nominating petition for that office."

Name _____ Street and Number _____ Address from which last registered (if different) _____

Date of signing _____

These above statements will contain the following notarization:

["]State of Texas

County of Dallas

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that the same was subscribed as his free act and deed for the purposes and consideration therein expressed.

Given under my hand and seal of office this the _____ day of _____, 20____."

State law reference- Candidacy for town office, V.T.C.A., Election Code ch. 143.

Section 8.04. Number, selection, and term of Council.

The Council shall be composed of a Mayor and six (6) council members who shall be elected and serve in the following manner subject to the adopting of this Charter:

- a. The Mayor and Councilmen in office at the time of the adoption of this Charter shall continue to serve as Mayor and Councilmen under this Charter until the expiration of their present terms of office, or until their successors have been elected or selected and duly qualified under this Charter.
- b. In each odd-numbered year three (3) council members and a Mayor shall be elected and in each even-numbered year three (3) council members shall be elected.
- c. The Mayor and other members of the Council shall be elected from the Town at large, for a term of two (2) years.
- d. The candidate for Mayor who receives the highest number of valid votes by qualified electors voting at the election shall be declared elected.
- e. The candidates for election to the places of Councilmen, equal in number to the number of vacancies to be filled, who receive the highest number of valid votes cast by qualified electors voting at the election, shall be declared elected.
- f. In case of a tie vote as to any two (2) or more candidates, the Council shall, if the tie vote is not otherwise resolved in accordance with Texas law, order a special election in accordance with Texas law~~within not less than thirty (30) days nor more than forty (40) days after the regular election~~ to resolve the tie vote as between such candidates.
- g. All elections shall be held in accordance with the election laws of the State of Texas and the provisions of this Charter.
- h. No person shall serve as Mayor for more than three (3) successive terms of office, and no person shall serve as a council member for more than three (3) successive terms of office. For purposes of this section, the phrase "terms of office" shall not include any unexpired portion of any two-year term.

(Ord. No. 092-072, 11-24-1992, election 1-16-1993)

Section 9.02. Initiative.

Qualified voters of the Town may initiate legislation by submitting a petition addressed to the Council which requests the submission of a proposed Ordinance or Resolution to a vote of the qualified voters of the Town. Said petition must be signed by qualified voters equal in number to at least twenty-five (25) percent of those who were qualified voters on the date of the last regular municipal election as determined from the list of qualified voters maintained by the tax collector of Dallas County person having the duties of the voter registrar of Dallas County, and each copy of the petition shall have attached to it a copy of the proposed legislation. Each signer of such petition shall personally sign his name and address in ink or indelible pencil, and shall write after his name his place of residence, giving the name of the street and number, or

place of residence, and shall also write thereon the date, the month and the year his signature was affixed.

(Ord. No. 088-032, § 1, Prop. 8, 7-12-1988, election 8-13-1988)

Section 9.03. Form of initiative and referendum petition.

The petition mentioned above must be addressed to the City Council of the Town of Addison, (and) must have attached to it a copy of the proposed legislation. The signature shall be verified by oath in the following form:

["]STATE OF TEXAS
COUNTY OF DALLAS

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

Sworn to and subscribed before me this the _____ day of 1920

Notary Public,
Dallas County, Texas["]

Section 9.06. Voluntary submission of legislation by the Council.

The Council, upon its motion and by a majority vote of ~~its~~the members of the Council, may submit to popular vote at any election for adoption or rejection any proposed Ordinance, Resolution or measure or may submit for repeal any existing Ordinance, Resolution or measure, in the same manner and with the same force and effect as provided in this article for submission on petition, and may in its discretion call a special election for this purpose.

Section 10.02. Petitions for recall.

Before the question of recall of such officer shall be submitted to the qualified voters of the Town, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary; which said petition shall be signed by qualified voters equal in number to at least twenty-five (25) percent of those who were qualified voters on the date of the last regular municipal election as determined from the list of qualified voters maintained by the ~~tax collector~~person having the duties of the voter registrar, of Dallas County. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his name his place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month, and the year his signature was affixed.

(Ord. No. 088-032, § 1, Prop. 8, 7-12-1988, election 8-13-1988)

Section 11.04. Restriction of sale of alcoholic beverages.

Sale of alcoholic beverages for off-premises consumption is hereby restricted and limited to the existing west side of Inwood Road between the southern corporate limits and the southern right-of-way of Belt Line Road and such area being more specifically described as follows:

Commencing at a point on the south right-of-way of Belt Line Road (a 100-foot R.O.W.) and the west right-of-way of St. Louis Southwestern Railway Company (a 100-foot R.O.W.);

Thence, in a westerly direction along the south right-of-way of Belt Line Road, a distance of 93.02 feet, more or less, to the point of beginning, said point being the most northerly point of a corner clip;

Thence, continue westerly along said south R.O.W. a distance of 159.5 feet, more or less, to a point;

Thence, in a southerly direction along the common property line (plat bearing south 0 degrees 26 minutes east), a distance of 2,601.27 feet, more or less, to a point on the Addison/Farmers Branch town limits;

Thence, in an easterly direction along said town limits line (plat bearing north 88 degrees 58 minutes 14 seconds west), a distance of 971.37 feet, more or less, to a point on the west right-of-way of Inwood Road;

Thence, northwesterly along said west right-of-way of Inwood Road, a distance of 2,676.56 feet, more or less, to a point, being the most southerly of a corner clip;

Thence, in a northwesterly direction along said corner clip, a distance of 48.31 feet, more or less, to said point of beginning.

(Ord. No. 775, § 1, Prop. 6, 2-23-1982, election 4-3-1982)

State law reference-Charter may prohibit liquor sales in residential areas, V.T.C.A., Alcoholic Beverage Code § 109.31.

Section 11.15. Publicity of records.

Town records and accounts which are required by the Texas ~~Open-Records~~ Law to be open to the public shall be made available during normal business hours in accordance with the terms and provisions of that statute. The records may be examined and copied in the Town offices during normal business hours, at a nominal charge established by ordinance.

(Ord. No. 088-032, § 1, Prop. 11, 7-12-1988, election 8-13-1988)

State law reference-Open records, V.T.C.A., Government Code ch. 552.

Section 11.26. Disaster clause.

In case of disaster when a legal quorum of elected ~~Councilmen~~members of the Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving member or members of the elected Council, ~~or the~~ highest surviving non-elected Town official, and the County Judge of Dallas County or the County Judge's duly authorized designee, if no elected official remains, must within twenty-four (24) hours of such disaster, or as soon thereafter as possible request the highest surviving officers of the local Chamber of Commerce and the Board of Trustees of the local school district, and the County Judge of Dallas County to appoint a commission, which shall include any surviving elected members of the Council, to act govern the City, act during the emergency and call a Town election within fifteen (15) days of such ~~disaster~~ disaste, or such other period of time as may be required by the Texas Election Code, for election of a required quorum, if for good reasons it is known a quorum of the present Council will never again meet.